

EXHIBIT 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of: **JOHN BRYANT**Serial No.: **10/691,253**Filing Date: **10/22/2003**Title: **APPARATUS AND METHOD FOR DISPLAYING
SUBSURFACE ANOMALIES AND SURFACE FEATURES**Examiner: **Donald E. McElheny, Jr.**Art Unit: **2857**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**DECLARATION OF JOHN BRYANT**

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or any patent issuing thereon, declares that all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

1. I am the inventor of the United States Application No. 10/691,253 entitled *Apparatus and Method for Displaying Subsurface Anomalies and Surface Features* filed on October 22, 2003 ("Application").

2. I believe that I am the original and first inventor of the apparatus and method disclosed and claimed in the original and amended claims 1-65 of the Application.

3. The invention as disclosed in the Application relates to a method of combining geological data and computer software programs to arrive at a composite graphical

representation of a construction or building site synchronized with a color coded "map" of the subsurface features.

4. I conceived of the invention disclosed and claimed in the original and amended claims 1-65 of the Application before October 16, 2002.

5. In 1999 I began work on the invention prompted by the need to combine various types of data into a combined three dimensional graphical representation for viewing.

6. Initially, I purchased electrical equipment to gather resistivity data from soil. The purchases of the hardware and the AGI Supersting software are reflected in the invoice attached as Exhibit A. The invoices range in date from 1998 through 2001. The resistivity data included data related to moisture content, data related to voids and data related to subsurface anomalies. The resistivity data was also derived through use of the equation "R = (V/I)K, where K is an electrode geometric constant, R is resistance, V is voltage and I is current. The resistivity data could be obtained by choosing placement of electrodes in the soil. Placements commonly referred to as the Wenner arrangement, the Schlumberger arrangement and the dipole dipole arrangement were used to obtain resistivity data.

7. It was conceived that a word processing program, such as the Wordpad software could be used to eliminate statistical outliers and to remove text and other extraneous data produced by the AGI Supersting program. Wordpad is part of a software program included in Window 95 with Explorer. Attached as Exhibit B is a copy of a receipt from MicroCenter with a date of February 18, 1997 showing when a copy of Wordpad was purchased to be used in development of the invention.

8. During development of the invention, it was conceived that the modified data would be susceptible to a "curve fit" routine to display the resistivity data in "slices". This

routine requires a least squares data inversion analysis to be performed on the modified data. To further accomplish the curve fit task, I used software titled Res3Dinv and Res2Dinv purchased from Advanced Geosciences, Inc. to convert the modified data into a 2 dimensional or 3 dimensional graph of the contoured surfaces by using a least squares data inversion analysis.

Attached as Exhibit C is a copy of an invoice received from Advanced Geosciences, Inc. The date of this invoice is January 29, 1999.

9. In the winter of 1999, during development of the invention, I conceived seismic data could also be used to create a three dimensional graphical representation. Soon after, I conceived that the seismic data would need to be enhanced before it could be used to obtain an accurate graphical representation of the subsurface data. Once I had enhanced the seismic data, it was conceived that it could be downloaded into the EVS program.

10. During the development of my invention, I conceived that ground penetrating data could also be used to create a three dimensional graphical representation. To obtain the ground penetrating radar data, I purchased a hardware and software package titled SIR-3000. Attached as Exhibit D is a copy of a customer statement from Geophysical Survey Systems, Inc. for this purchase. The date of this statement is November 11, 1999.

11. It was conceived that I would need to enhance the ground penetrating radar data before any further graphical representation could be created. I decided to use a software program titled RadaN, to enhance this data to include applying user specific gains, setting the data to time zero and specifying the dielectric permeability of the survey area. A customer statement reflecting my purchase of the RadaN software from Geophysical Survey Systems, Inc. showing a date of November 11, 1999 is attached as Exhibit D. At this point, I believed the ground penetrating radar data was in a condition where an accurate graphical representation of the

location and subsurface anomalies could be exported into software to create a VRML model and create both 2 dimensional and 3 dimensional representations.

12. I conceived that I could use the EVS software program to use ground penetrating radar data, resistivity data and seismic data to create 2 dimensional and 3 dimensional VRML models of the subsurface features and a 3 dimensional model of the above ground structures. I purchased the EVS software program sometime in 2000. An invoice that I received from C-Tech Development Corp. with a date of March 15, 2000 is attached as Exhibit E.

13. During further development of the invention in regards to the resistivity data, I determined that further spatial geostatiscal analysis needed to be performed on the resistivity data before it could be downloaded in the EVS software program. I conceived that I could use a software program titled "Surfer" to perform tasks such as kringing, cokring and analysis on the resistivity data. Attached as Exhibit F is a copy of an invoice received from Golden Software Inc. with a date of June 7, 2001 showing when "Surfer" software was purchased.

14. Now that I had modified the resistivity data, it was ready to be loaded into the EVS software program that I already had in my possession as shown through Exhibit E.

15. After the resistivity data, ground penetrating radar data or seismic data had been downloaded into the EVS software program, I used AUTOCAD to create 3 dimensional frame models of the surface structures such as vegetation, buildings, other elements of the surface structure and below the surface ground structures. Attached as Exhibit G is a copy of an invoice received from CADVisions, Inc. with a date of June 21, 2000 reflecting my purchase of an AUTOCAD program. I imported the 3-dimensional frame model created with AUTOCAD into the EVS software program. I overlaid an aerial photograph over the AUTOCAD wire frame model. When the AUTOCAD model was imported into the EVS program, the AUTOCAD

model and the enhanced subsurface data were spatially synchronized or aligned so that one complete VRML model of both the above ground structures and the subsurface features could be created. I displayed the VRML model in a number of different ways such as a webpage. I also manipulated the VRML model such as rotating it. Further, I used the VRML model to view a 2 dimensional slice of the composite graphical representation. Also, I saved the VRML files in various ways such as in an .AVI file or an HTML file at or around this time period.

16. Attached as Exhibit H is a printout of a VRML model generated in the fall of 2000. The printout shows that my invention actually existed and worked for its intended purpose before October 16, 2002. This printout is the result of combining subsurface resistivity data along with above surface structural data to arrive at a composite graphical representation by providing subsurface mapping data, creating a subsurface model of subsurface features from the subsurface mapping data, creating a wire frame model of an above surface feature, overlaying the wire frame model with a pictorial representation of the above surface feature and combining the wire frame model with the subsurface model to produce a composite graphical representation.

17. Exhibit H also serves as evidence that I conceived and reduced to practice a 3 dimensional model comprising a graphical model of subsurface mapping data, a spatial model of an above ground object and a 2 dimensional image of the above ground object superimposed on the spatial model and spatially synchronized with the graphical model of resistivity data existed and worked for its intended purpose before October 16, 2002.

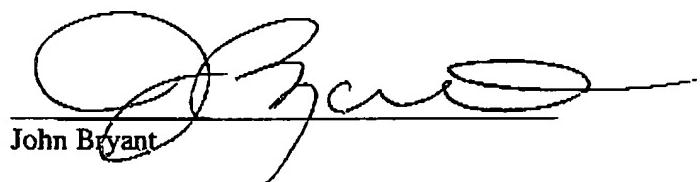
18. Exhibit H also serves evidence that I conceived and reduced to practice a method of creating a graphical model comprising the steps of: testing to determine the subsurface mapping data; enhancing the data; constructing a wire frame model of an above ground structure;

providing a pictorial representation of a plan view of the above ground structure; combining the pictorial representation with the wire frame model; aligning the subsurface mapping data with the combined pictorial representation and wire frame model and merging the subsurface mapping data with the combined pictorial representation and wire frame model actually existed and worked for its intended purpose before October 16, 2002.

19. Exhibit A-H along with my supporting statements in paragraphs 1-18 of this declaration are sufficient to support my allegation that before October 16, 2002 that my invention was conceived, that my invention was definite and permanent enough that one of ordinary skill in the art could understand the invention and that my invention was actually reduced to practice.

I testify that the above facts are true and correct. I understand that this declaration is made under the possible penalty of perjury.

EXECUTED this 16th day of September, 2005.



A handwritten signature in black ink, appearing to read "John Bryant". Below the signature, the name "John Bryant" is printed in a smaller, sans-serif font.

EXHIBIT A



Tel. (512) 335-3338
Fax (512) 258-9958
Email: agi@agiusa.com
Web Site: http://www.agiusa.com

P.O. Box 201087

Austin, Texas 78720-1087 USA

INVOICE

Page 1 of 2

Sold To: DIVERSIFIED CAPITAL CREDIT CORP.

109 E. North St.
New Castle, PA 16101
Tel: (724) 652-7700 Fax: (724) 652-7799 Attention: Mr. Brian DeVivo

Ship To: BRYANT CONSULTANTS, INC.
4393 West Grove
Addison, TX 75248

Date: May 6th, 1998 Invoice #: 980505-BCI Reference: P.O. # 0098-672-01A

2D & 3D AUTOMATED EARTH RESISTIVITY IMAGING SYSTEM

ITEM	QTY	PART#	DESCRIPTION	PRICE	EXTPRICE
1.	1	910000	STING-R1, memory earth resistivity meter comprising;	\$ 9,500.00	\$ 9,500.00
1.1	1	911000	Sting R1, basic unit. S/N: 72085184		
1.2	1	911100	Clip on battery pack, Nicad Cells.		
1.3	1	911150	Charger, 110/220 V AC.		
1.4	1	911501	Charger Input Cable.		
1.5	1	920009	Data download cable for PC interface.		
1.6	1	920008	Data download software for MS DOS or MS Windows.		
1.7	1	911001	Instruction Manual		
1.8	1	F2A250v	Fuse's		
1.9	1	920020	Test resistor		
1.10	1	920026	Allen Wrench, 9/64".		
2.	1	911900	Heavy duty rugged carrying case for the Sting R1.	\$ 190.00	\$ 190.00
3.	1	920029	Carrying harness for the Sting, protects the instrument against dirt and scratches during the measurement process.	\$ 95.00	\$ 95.00
4.	1	930000	SWIFT, automatic electrode switching system for the Wenner, Schlumberger, Dipole-Dipole and a wide variety of other electrode arrangements, comprising;	\$ 2,400.00	\$ 2,400.00
4.1	1	931000	Swift interface box.		
4.2	1	938300	Transmitter/receiver cable (ABMN cable).		
4.3	1	938200	Sting/Swift communication/external power cable.		
4.4	1	932000	Swift software.		
4.5	1	920051	User load software for downloading command files to the Sting's internal memory.		
4.6	1	920062	Command Creator Software. Dongle # 29		



Tel. (512) 335-3338
Fax (512) 258-9958
Email: agi@agiusa.com
Web Site: http://www.agiusa.com

P.O. Box 201087
Austin, Texas 78720-1087 USA

INVOICE

Page 2 of 2

Date: May 6th, 1998

Reference: P.O. # 0098-672-01A

2D & 3D AUTOMATED EARTH RESISTIVITY IMAGING SYSTEM

ITEM	QTY	PART#	DESCRIPTION	PRICE	EXTPRICE
5.	1	933500	SWIFT, general purpose cable set with QUICK RELEASE ELECTRODES for dipole-dipole, Wenner, Schlumberger and a wide variety of other resistivity array types. Comprising two cables, 2 X 14 smart electrodes at 12 meter intervals with 7 meters of lead in and out.	\$ 14,604.00	\$ 14,604.00
6.	1	933010	Wooden rugged field carrying cases for cable set.	\$ 100.00	\$ 100.00
SUBTOTAL				\$ 26,889.00	
Sales Tax @ 8.25%				\$ 2,218.34	
TOTAL FOB Austin, Texas:				\$ 29,107.34	

TERMS ARE: 30% WITH ORDER AND 70% Due upon on-site inspection at Advanced Geosciences, Inc. by Bryant Consultants.

OR: Cash-in-advance, Our banking information is:

**ABA # 111000614 Bank One, Austin Texas for Advanced Geosciences, Incorporated.
Account # 188 0696 040.**

Angela Phelps, Bookkeeper
Advanced Geosciences, Incorporated

Page: 3

Date: 02/24/04 at 2:13 PM

Advanced Geosciences, Inc.
Detail Invoice Register
Current and History Files 01/04/01 to 12/31/01 Active Invoices And Credit Memos
Cost = BCI
Sessions 000000 to 906607

Active Sessions (1 of indicated in Report)

000004

Item	Description	Sht/Bin Cat	U/M	Inv Quantity	Extended Price Tax	
					Tax Rate	8.250
					Total Tax:	
					Invoice Total:	
Invoice: 2001082001	Customer: BCI					
					Invoice Date: 08/20/01	
					PO Number: Our SO #7001080101	
LABOR	Labor Repair & Testing	001626	NAM / MIS	HOUR	12.000000	960.00 Y
933205	Connector ITT Cannon iPTC5A12-6S 8 Pin Female InLine	001626	NAM / 002	EA	5.000000	150.00 Y
933206	Connector A/I filled with 4 Receptacles 2 1/2" x 1/2" - 6P	001626	NAM / 032	EA	2.000000	48.00 Y
933216	Backing Hardware for Receptacle #933205 QC Cable	001626	NAM / 002	EA	5.000000	150.00 Y
932110	Rubber splicing tape, 9/16"	001626	NAM / 002	EA	0.500000	12.00 Y
911305	Binding Posts Red 2850	001626	NAM / 001	EA	1.000000	10.00 Y
938201	Swift/Sting Communication Cable	001626	NAM / 005	EA	1.000000	142.00 Y
941000	Sling EEPROM upgrade	001626	NAM / 001	EA	1.000000	50.00 Y
911307	Switch Toggle DPDT (On-None-On)	001626	NAM / 001	EA	1.000000	15.00 Y
931026	Swift Interface Board	001626	NAM / 002	EA	1.000000	100.00 Y
911410	ECO #20007 Power Supply Mod.-Sting Boards	001626	DEF / WAR	EA	1.000000	0.00 Y
911413	ECO #20008 Sting Rec. Board React Circuit Mod.	001626	DEF / WAR	EA	1.000000	0.00 Y
M1418	ECO #20009 Sting Stand Off Upgrade	001626	DEF / WAR	EA	1.000000	0.00 Y
210KB1/4TH	Resistor 10K ohm 1% .25W TH	001626	DEF / WAR	EA	6.000000	6.00 Y
2100B1/4TH	Resistor 100 ohm .1% .25W TH	001626	DEF / WAR	EA	2.000000	2.00 Y
21KB1/4TH	Resistor 1K ohm .1% .25W TH	001626	DEF / WAR	EA	2.000000	2.00 Y
20015M450V	PolyFoil Cap, 15nF@0.05V/400V	001626	DEF / WAR	EA	2.000000	2.00 Y
2K2	RESISTOR 2.2K 1/4W 1% 6MF	001626	DEF / WAR	EA	1.000000	1.00 Y
ABOR	Labor Repair & Testing	001626	DEF / WAR	HOUR	5.000000	0.00 Y
					Tax Rate	8.250
					Total Tax:	136.13
					Invoice Total:	1786.13
Invoice: 2001122002	Customer: BCI					
					Invoice Date: 12/20/01	
					PO Number: Versa 1217801	
11049	SuperSling A/E Short Circuit Protection ECO #0014	001620	NAM / 005	EA	1.000000	0.00 Y
i1046	ECO #40016 SuperSling battery	001620	NAM / 001	EA	1.000000	0.00 Y
1045	ECO #40017 SuperSling Overmating	001620	NAM / 010	EA	1.000000	0.00 Y
RFD14N05L	Transistor 14N05L	001620	NAM / 001	EA	1.000000	0.00 Y
3226	Dust Cap Male SuperSling Cable	001620	NAM / 011	EA	1.000000	18.00 Y
BOR	Labor Repair & Testing	001620	NAM / 005	HOUR	10.000000	0.00 Y

Page: 4

Date: 02/24/04 at 2:13 PM

Hannover Controls, Inc.
 Default Inventory Register
 Current and History Sales 01/01/04 to 01/23/04 Active Invoices And Credit Memos
 Cust # S01
 Selections 000000 to 4665067

Active Selections (Not Included in Report)
 005054

Item	Description	Start Inv. Cat	U/M	Inv Quantity	Extended Price Tax
933228	Dust Cap Female Superating Cable	001990	NAM / 011	EA	1.000000 18.00 Y
931031	Connector 4 Position Pla Header right angle	001990	NAM / 010	EA	4.000000 0.00 Y
D1.5KE12A	Transient Voltage Suppressors 1.5K W 12V	001990	NAM / 010	EA	9.000000 0.00 Y
P4PIN #2	Connector - Male H-Lok 85043641 SURFACE	001990	NAM / 001	EA	4.000000 0.00 Y
PIN-SOCKET	Pin Socket for Male H-Lok Receptacle	001990	NAM / 001	EA	20.000000 0.00 Y
		Tax Rate:	8.250	Total Tax:	2.97
				Invoice Total:	38.97
Invoice: S0020414501	Cust/Order: RCI	Invoice Date: 12/23/03			
		PO Number: Our SO # 2004122101			
911120	Battery pack (removal) - EA1D1011D28 002549	NAM / 001	EA	2.000000 500.00 Y	
938201	Swift/String Communication Cable	002043	NAM / 005	EA	1.000000 142.00 Y
		Tax Rate:	8.250	Total Tax:	52.97
				Invoice Total:	694.97
				Total Taxes:	3485.39
				Total Invoices:	45732.39

EXHIBIT B



THE COMPUTER DEPARTMENT STORE®

MICRO CENTER
KEYSTONE PARK SHOPPING CENT
13929 NORTH CENTRAL EXPRESS
DALLAS, TX 75243
(214) 664-8500

DATE: 02/18/97 6:16 PM
REFERENCE: 131-WC-661240
SALES ID: RH6128
ASSOCIATE: RICHARD HANSEN
STATION: DLWC2 #1

RECEIVED
SALES RECEIPT

SHIP VIA: Pick-Up

JOHN BRYANT
9848 RIDGEHAVEN
DALLAS, TX 75238

(214)

(CONTINUED)

Please see reverse side.

MICRO CENTER®KEYSTONE PARK SHOPPING CENT
13929 NORTH CENTRAL EXPRESS
DALLAS, TX 75243
(214) 664-8500

THE COMPUTER DEPARTMENT STORE

08/08/97 6:16 PM

REFERENCE# 131 WC 661248

SALES ID: RH6128

ASSOCIATE: RICHARD HANSEN

STATION#: DLWC2 #1

SALES RECEIPT SALES RECEIPT SALES RECEI

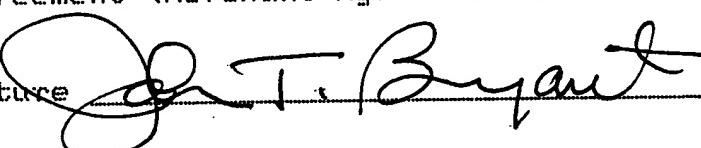
SHIP VIA: Pick-Up

JOHN BRYANT
9848 RIDGEHAVEN
DALLAS, TX 75238

(214) --

QTY	DESCRIPTION	UNIT PRICE	AMOUNT
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I agree to pay above credit card total(s) according to
Card Issuer Agreement (Merchant Agreement if Credit
Voucher).

Customer Signature 

Please see reverse side.

EXHIBIT C



Tel. (512) 335-3338
Fax (512) 258-9958
Email: agi@agiusa.com
Web Site: http://www.agiusa.com

P.O. Box 201087
Austin, Texas 78720-1087 USA

INVOICE

Bryant Consultants, Inc.
4393 Westgrove
Dallas, TX 75248

Ph: 972 713-9109
Fax: 972-713-9171
Invoice Date: January 29, 1999

Contact: Mr. Brian T. Lucas
Invoice No.: 990129-BCI

EARTH RESISTIVITY IMAGING EQUIPMENT

Item	Qty	Part Number	Description	Unit Price \$ USD	Total \$ USD
1	1	RESINV	Res3Dinv, 2D and 3D resistivity imaging software for inversion of apparent resistivity data. For use with MS Windows 3.xx or Windows 95. S/N 88	3,200.00	3,200.00
Subtotal					3,200.00
Texas Sales Tax					264.00
Total FOB Austin, Texas					3,464.00

Payment terms: Net 15 days

Conditions: Software dongles are licensed to the end-user upon purchase. Due to the licensing requirements set forth by the licensor, M. H. Loke, once licensed to an end-user, software dongles cannot be re-licensed, and therefore, may not be returned for credit, exchange, or transfer of the license to a different end-user. Licensed dongles may only be returned for software upgrades purchased by the licensee.

Note: No record was found where you had previously purchased a Res2dinv dongle so the multiple discount was removed from your invoice. If this is incorrect please let me know what dongle number you purchased so that I can verify your eligibility for the multiple discount. Thank you.

Angela Phelps
Bookkeeper
Advanced Geosciences, Inc.

EXHIBIT D

Geophysical Survey Systems, Inc.



P.O. Box 97, 13 Klein Drive
North Salem, NH 03073-0097
Phone: (603) 893-1109
Fax: (603) 889-3984
Toll Free: (800) 524-3011

Date: 11/17/99

Customer ID: EARSYS

CUSTOMER STATEMENT

EARTH SYSTEMS TECHNOLOGIES, INC.

4393 WESTGROVE

ADDISON, TX 75001
USA

Invoice Date	Invoice Due Date	Invoice Number	Current Inv. Amt.	Current Inv. Balance
EARSYS 10/13/99	11/12/99	03597	Our#: 994655-00 \$5,900.00	\$4,400.00

Current	0-30	31-60	61-90	Over 90	Total Amount Due
\$0.00	\$4,400.00	\$0.00	\$0.00	\$0.00	\$4,400.00

EXHIBIT E

TECH DEVELOPMENT CORP.

45-001 Liliipuna Road Unit A
 Kaneohe, HI 96744
 Ph: (714) 840-7444
 Fax: (714) 844-9255

Invoice

DATE	INVOICE NO.
3/15/2000	33535

BILL TO	SHIP TO
Bryant Consultants, Inc. Attn: Mike Gehrig 2033 Chenault Drive, Suite 150 Carrollton, TX 75006 Fax: 972-713-9171	Bryant Consultants, Inc. Attn: Mike Gehrig 4393 Westgrove Dr. Addison, TX 75001 Fax: 972-713-9019

PO Number	TERMS	REP	SHIP DATE	SHIP VIA	FOB	Software Key
BCI-0315 EVS-PRO	Net 10	RDC	3/15/2000	Federal Expr...	Destination	228
ITEM	DESCRIPTION		QTY	RATE	AMOUNT	
EVS-PRO Shipping	EVS-PRO Ship on Cust. FedEx Out-of-state sale, exempt from sales tax			9,995.00 0.00 0.00%	9,995.00T 0.00T 0.00	
				Total	\$9,995.00	

All prices are in U.S. Dollars.

EXHIBIT F

GOLDEN SOFTWARE INC.809 14th Street, Golden CO 80401-1866
Phone: 1-303-279-1021 Fax: 1-303-279-0909**INVOICE**

Date: 07-Jun-01

SOLD TO:**SHIP TO:**

John T Bryant
Bryant Consultants Inc
4393 West Grove
Addison, TX 75001
USA

John T Bryant
Bryant Consultants Inc
4393 West Grove
Addison, TX 75001

Invoice Number	Customer ID	Payment Terms	Order Date	Ship Via
9550826	43188	VISA	07-Jun-01	UPS Second Day
Credit Card Number	Exp Date	Purchase Order Number	Tax Exempt Number	
4417123005993257	0503			

Quantity	Product Name	Unit Price	Line Amount
1	SURFER for Windows Upgrade	\$139.00	\$139.00

Subtotal:	\$139.00
Colo Tax:	\$0.00
Shipping:	\$8.00
Addl Charges/Disc:	\$0.00
Amount Paid:	\$147.00
BALANCE DUE:	\$0.00

Paid w/Visa!

PLEASE INCLUDE INVOICE WITH PAYMENT

* Accounts which are over 30 days old are billed a
service charge of 1.5% per month

EXHIBIT G

718 - 713 - 9109

CADVisions, Inc.

1950 Stemmons Fwy
5051 INFOMART
Dallas, TX 75207

Invoice

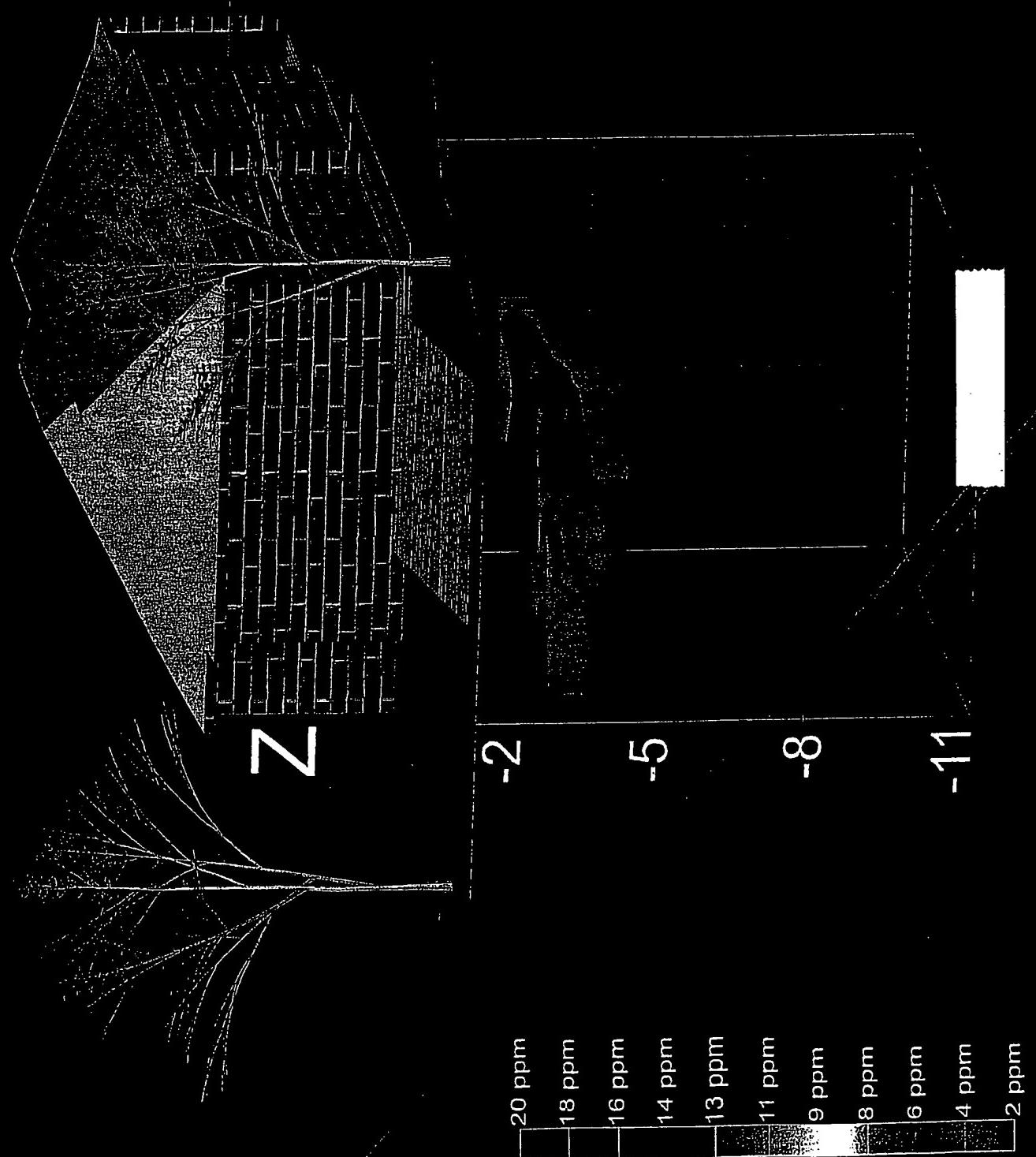
DATE	INVOICE #
6/21/00	105158

BILL TO	
Bryant Consultants Inc Jamie Brown 4395 West Grove Addision TX 75001	

SHIP TO	
Bryant Consultants Inc Jamie Brown 4395 West Grove Addision TX 75001	

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
so3004	cod	DSM	6/21/00	best way		
QUANTITY	ITEM CODE	DESCRIPTION			PRICE EACH	AMOUNT
1	acad2000	AutoCAD 2000 F/S for NT/95/98 00120-016008-9000			3,750.00	3,750.00T
1	discount	Product discount			-755.00	-755.00
	s&h	Shipping & Handling			15.00	15.00T
	general note	Please refer to Terms and Conditions on the back of the invoice. Telephone/Fax/Email Support is for 60 days This price does not include installation, training, or configuration, unless otherwise noted on this invoice. Sales Tax				0.00T
					8.25%	248.33
					Total	\$3,258.33

EXHIBIT H



BEST AVAILABLE COPY